

MADISON COUNTY PLANNING

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Streamside Protection Steering Committee Meeting Summary

Tuesday January 6, 2009

First Madison Valley Bank, Basement Meeting Room, Ennis, MT

Attendance:

Planning Staff: Jim Jarvis (staff planner), Karen Filipovich (facilitator)

Steering Committee: Richard Lessner, Donna Jones, Gayle Schabarker, Pat Clancy, Chris Murphy, Amy Robinson, Jeff Laszlo, John East, Kelly Galloup (absent).

Public (6):

Carol East	Kay Willet
Greg Morgan	Sheri Jarvis
Terry Cameron	Bonnie Workman

1. Welcome, Overview, and Introduction

The meeting was called to order at 6:30 p.m. by Karen Filipovich. Karen presented an overview of the agenda. Introductions were exchanged amongst committee members and the public.

2. Receive October 21, 2008 meeting summary and correspondence submitted since the last meeting

Jim Jarvis directed the committee's attention to a summary of the last meeting and copies of public comments received by the Planning Office since October 21, 2008. Jim Jarvis reviewed the main points from the meeting summary and highlighted specific points raised within the public comment letters. Within the public comments, a draft ordinance prepared by several Madison River property owners was reviewed. The draft ordinance requested that the impacts of agriculture, i.e. grazing, also be factored into the proposed streamside protection regulations. Jim Jarvis asked the committee to consider whether the project scope of work should be expanded.

Pat Clancy asked that the discussion on page 2 of the meeting summary, relating to the committee's consensus on the minimum buffer zone width of 50 feet, be clarified to reflect the preliminary nature of this recommendation, with the understanding that the committee had not settled on a final number. Committee members supported this clarification.

In light of unsuccessful efforts to find a new committee member from the northern portion of the planning area, Karen Filipovich gave an overview of these efforts, and asked the committee to consider John East for the vacancy. John East was the only person to express interest and has been actively involved in the committee process. The committee expressed consensus for John East as the replacement.

Chris Murphy informed the committee that the state legislature is still working on a state-wide streamside protection regulation (Senate Bill 345) that may supersede the local ordinance that this committee considering. Regardless of these statewide efforts, the committee expressed

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support in continuing this local effort. Jim Jarvis and Karen Filipovich agreed to research this matter and present an update at the next committee meeting.

3. Performance-based Streamside Protection Ordinance

Karen Filipovich directed the committee's attention to the revised draft ordinance and asked Jim Jarvis to provide a brief overview before delving into the new ordinance language. Emphasizing the renewed focus of the ordinance on riparian habitat and water quality protection, Jim Jarvis presented the Setback Example included in the committee handouts, as a conceptual illustration of a typical setback scenario, and briefly described how the ordinance would apply. Donna Jones asked for additional information about the secondary buffer zone. Jim Jarvis explained it was based on the performance-based approach the committee had previously discussed, and provides a way of addressing unique riparian habitat conditions, beyond the fixed width buffer zone, that may be present on a property.

a. Discussion of evaluation criteria such as efficiency, equity, and effectiveness

Karen Filipovich lead the committee in a discussion of the how the ordinance could be drafted to ensure efficiency, equity (fairness), and effectiveness. Donna Jones challenged the equity of the proposed building setback ordinance, if it did not also regulate the impacts of other streamside activities, such as grazing. Karen Filipovich asked the committee if grazing should also be included on the ordinance. Richard Lessner opposed expanding the scope of the ordinance beyond that set by the county commissioners - setbacks associated with building development along rivers and streams. Jeff Laszlo agreed with Richard Lessner that the impact of grazing is an important topic, but beyond the focus of this current proposal. John East added the committee needs to be aware of other impacts such as grazing and take them into consideration. Other committee members expressed similar opinions. Jim Jarvis and Karen Filipovich asked the committee for a consensus opinion on this subject. All committee members agreed to leave the issue of grazing out of the proposed ordinance.

b. Review and refine working draft ordinance

Karen Filipovich redirected the committee's attention to the ordinance language and asked Jim Jarvis to present an overview of the sections identified for discussion. Jim Jarvis touched on the main points of the introduction and guiding statement, intended for inclusion within the supporting resolution, and then highlighted major changes to Section 1, the purpose statement, Section 3, the definitions, still a work in progress, and Section 6, the general standards. In light of concerns raised by the public, Section 2, the Authority, was recommended for review at the next committee meeting. Jim Jarvis agreed to prepare a report summarizing the various Authority options and legal opinions for committee consideration. Section 4, the jurisdictional area has also changed, subject to future committee review and discussion of the efficiency and effectiveness of the permitting process.

The review of changes made to Section 6, General Standards occupied the remainder of meeting, specifically the language used to define the fixed-width vegetative buffer zone. This proposed buffer zone is accomplished through enforcement of minimum building setbacks of 50 feet for the Madison and Jefferson Rivers, and 25 feet for all other regulated waterways. Stressing the importance of keeping the concepts simple, i.e. easily understandable, the committee supported the following supplemental language.

The vegetative buffer zone is intended to be an undisturbed area adjacent to a regulated waterway. The primary functions of the buffer zone are to provide a continuous corridor of natural endemic habitat and serve as a contaminant filter and erosion control barrier to maintain water quality.

The committee reviewed the proposed list of prohibited activities with the buffer zone and agreed to the following restrictions:

Prohibited activities within the vegetative buffer zone include:

1. All building activity, unless specifically allowed under Section 11 – Exceptions, or by Section 10 - Variance Process.
2. Removal of native vegetation, beyond reasonable efforts to maintain a defensible fire fighting zone around a building site or control the spread of noxious weeds.
3. Introduction of non-native plant species. (In the absence of native vegetation due to site conditions associated with prior land use activities, reestablishment of native vegetation is encouraged. Refer to Exhibit C for examples of dominant vegetation types.)

The committee also discussed the appropriateness of including site grading and road building as prohibited activities, and ultimately decided these activities were more suitably addresses under Section 11 - Exceptions. Jim Jarvis agreed to develop new language for future committee consideration.

Due to the late hour further review of Section 6 was carried over to the next meeting.

4. Next Meeting Agenda

The committee scheduled the next meeting for Tuesday January 27, 2009 at 6:30 PM in Ennis. The committee agreed to continue review of Section 6 - General Standards, specifically the provisions for a secondary performance based buffer zone, and then revisit the proposed sizes of the fixed width vegetative buffer zone. Jim Jarvis recommended the committee then review the related material within Section 8 – Special Conditions and Section 11 – Exceptions. Section 2 – Authority will also be reviewed based on legal opinions provided by the County's legal resources.

5. Public Comment

Greg Morgan expressed his appreciation for the steering committee's effort and believed they were on the right tract.

Meeting adjourned: 8:55 pm

The next committee meeting is scheduled for Tuesday January 27, 2009 at 6:30 p.m. in Ennis.